

PUBLIC MEETING
October 15, 2002

Chairman Mike Murray called the meeting to order at 9:00 a.m.

Commissioners Varone and Loendorf were present. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Frank Rives, Jason Mohr, Steve Mandeville, Michael McHugh, Jerry Shepherd, Ed Tinsley, David Brandon, Sharon Turner, Mark Lambrecht, Robert Hudnall, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Resolution Creating the Lewis and Clark Fire Service Area for Lewis and Clark County. (cont. from 10/11/02). Commissioner Varone stated the resolution has been modified as the result of two recent public hearings. Two paragraphs have been added as follows:

“Be it further resolved, it is anticipated that services will be funded by assessments made within the fire service area. All owners of structures with a taxable valuation of \$1.00 or more, as shown on the valuation sheet for each geocode number within the fire service area, will be assessed \$20 for fire protection service for Fiscal Year 2003.

Be it further resolved, it is anticipated that tax exempt structures within the fire service area will be assessed \$20 for fire protection service for Fiscal Year 2003.”

Commissioner Varone further stated this resolution will provide a mechanism to establish the fire service area, but also answer the many requests that some residents would like an opportunity to annex into other areas or develop their own fire service area or fire district.

Commissioner Varone moved to approve the resolution and authorize the Chairman to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

Modification of Conditions of Approval for the Crestwood Green Estates Major Subdivision/ Abandon a Portion of Crestwood Lane. (cont. from 9/26/02). The applicant, David Brandon, was present. The proposal is located in Section 31, T11N, R3W, generally located west of North Montana Avenue and south and east of Norris Road. Commissioner Varone acknowledged that the applicant has proposed to remedy the problem by installing an unlocked gate at the intersection of Norris and Applegate Roads. Commissioner Varone has developed three additional conditions of approval: (1) the applicant shall install a temporary gate to be unlocked at all times at the intersection of Norris and Applegate Roads; (2) between the second and third year, the gate shall remain open to determine residential usage versus arterial access to Montana Avenue. A traffic study shall be done by the county to determine traffic flow; and (3) subsequent to the traffic study, the applicant may petition for an extension of

usage of the temporary gate to assure residential usage is maintained. Commissioner Loendorf seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Summary Review, Parmer II Minor. (cont. from 10/802).

The applicants, John and Michelle Parmer, propose to create one additional lot, each for one single-family dwelling. The proposal is generally located north of and adjacent to Lincoln Road East. Commissioner Varone was concerned whether or not this proposal is greater than 160 acres. According to an email message from the Deputy County Attorney, K. Paul Stahl stated the 35-acre parcel being divided was created as a family transfer, which does legally separate it from the dairy therefore; it must be reviewed as a minor subdivision.

Commissioner Varone moved to approve the proposal subject to 16 conditions as recommended by staff. Commissioner Murray seconded the motion.

Amendments to Conditions of Approval.

Condition 11.b. Although Commissioner Varone supports building to UBC standards, she moved to delete the UBC requirement until the county adopts the Uniform Building Code. The motion died for the lack of a second.

Condition 11.c. Commissioner Varone moved to delete the waiver of right to protest joining a road maintenance district. This is considered zoning. The motion died for the lack of a second.

Condition 11.f. Commissioner Varone moved to delete the waiver of right to protest joining a community water or wastewater treatment system improvement district. The motion died for the lack of a second.

Amendments to Findings and Conclusions.

Conclusion 5. Commissioner Varone moved to correct the conclusion to read, "This proposal could not have significant adverse effects on public health and safety. Commissioner Loendorf seconded the motion and it carried unanimously.

The motion to approve the subdivision subject to 16 amended conditions carried unanimously.

Request to Close and Abandon a Portion of Utah Street. Property owners, Nick Turner and Teresa Schatz, have petitioned the BoCC to abandon a segment of the right-of-way for Utah Street adjacent to Lots 1-6, Block 13 and Lots 7-12, Block 12 of the Hotel Addition. The property is located in the SW1/4, NE1/4 of Section 22, T10N, R4W. The portion of street to be abandoned is 320 feet long and 60 feet wide. Since the Hotel addition was platted in 1889, numerous encroachments have taken place within the right-of-way. In 1997, the planning department presented its report and recommendations to both the Consolidated Planning Board and the County Commissioners regarding a right-of-way survey. Both boards unanimously adopted staff recommendations, but no follow-up on the initial survey has taken place due to the

costs of resurveying the abandonment. Physically, this road has never been constructed. Staff recommended approval of the abandonment of the segment of Utah Street extending 320 feet west of Summit Street subject to 3 conditions (1) landowners Shatz and Turner resurvey the property; (2) landowners shall prepare and record quitclaim deeds from the county to Schatz and Turner; and (3) landowners shall record the completed retracement Certificates of Survey with the Clerk and Recorder. Commissioner Varone moved to approve a segment of Utah Street as recommended by staff. Commissioner Loendorf seconded the motion and it carried unanimously.

Final Plat Signature for the Bartmess Minor Amended Plat of Lot C(1)-3. The applicant's property is located west of Bartmess Drive, approximately 1/4 mile south of Valley View Road. By consensus, the Commission agreed to sign the final plat after today's meeting.

2002-2003 Fire Protection Agreement for the Fairgrounds and Westside FSA. Ron Alles reported on the annual standard agreement with the City of Helena to provide fire protection services for the fairgrounds in the amount of \$4,056 and the Westside FSA in the amount of \$91,581. The amounts have not increased from last year. Staff recommended approval.

Fairgrounds Agreement. Commissioner Varone moved to approve the fairground agreement and authorize the chairman to sign. Commissioner Loendorf seconded the motion.

Commissioner Murray stated the city was going to review the fairgrounds contract and since we no longer have the wooden grandstands reduce the amount or give us justification for the \$4,056.

After further discussion, Commissioner Varone offered a substitute motion to table the contract to Thursday, October 17, 2002 to give the City an opportunity to justify the \$4,056 since the old grandstands no longer exists. Commissioner Loendorf seconded the motion and it carried unanimously.

Westside Fire Service Area. Commissioner Murray stated that last year the residents of the Westside FSA asked the county to continue the agreement because of the ISO rating. Commissioner Loendorf moved to approve the agreement and authorize the chairman to sign. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Declaring County Property Surplus Property. Ron Alles reported that the resolution is to surplus a typewriter stand, card printer, PC printer, and the fairground ~~bleachers~~ restroom behind the rodeo grounds. Commissioner Varone moved to approve the resolution and corrected Exhibit A. Commissioner Loendorf seconded the motion and it carried unanimously.

There was no other business and the meeting adjourned at 9:30 a.m.